IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.51 OF 2005.

Tanaji Sonba Jagtap & Ors. ..Appellants

versus

Smt.Chandrabhaga R. Kolekar ..Respondent.

Mr. U.G.Deshpande for the Appellant

Coram : S.R.Sathe, J.
Dated : 18th December, 2006

P.C.

1. The learned advocate for the appellant appeared sometime after passing of the above mentioned order and requested for recalling the order of dismissal and prayed for restoration of the appeal.

2. Appeal is restored.

3. Heard learned Advocate for the appellant. The plaintiff's suit for easementry right and consequential relief of perpetual injunction was decreed in his favour. Being aggrieved, the defendant filed the first appeal. However, the same also came to be dismissed. Both the courts below have recorded the concurrent finding of fact with regard to the easementary right and granted

permanent injunction in favour of plaintiff. No error of law is pointed out by the learned advocate for appellant-defendant. No substantial question of law is involved in the present appeal. Hence Second Appeal is dismissed in limine.

(S.R.Sathe, J.)